

**IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO**

**STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN**
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

FREDERICK GEORGE
P.O. Box 103
Galloway, Ohio 43119

and

UNKNOWN TENANTS OF
135 North Burgess Avenue
Columbus, Ohio 43204

and

JPMORGAN CHASE BANK, N.A.
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

and

**CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER**
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

**REAL PROPERTY AT
135 NORTH BURGESS**
135 North Burgess Avenue
Columbus, Ohio 43204

Respondents-Defendants.

Case No. 2021 EVH 60165

Judge Stephanie Mingo

Parcel No. 010-042228

**AGREED PRELIMINARY INJUNCTION AND TEMPORARY
RESTRAINING ORDER**

This cause came before the Court upon the Complaint of Relator-Plaintiff State ex rel. Zach Klein ("Plaintiff") filed on **April 12, 2021**. Assistant City Attorneys Zachary S. Gwin appeared on behalf of Plaintiff. Frederick George appeared Pro Se and on behalf of the Real Property Located at 135 North Burgess Avenue, Columbus, Ohio. The Court finds that Defendant Frederick George and the Real Property Located at 135 North Burgess Avenue, Columbus, Ohio (collectively "the Defendants") have been properly served according to law and are properly before the Court. The Court further finds that any other parties named in the Complaint are not parties to this Agreed Preliminary Injunction and Temporary Restraining Order.

The parties have participated in negotiation to address the Plaintiff's complaint and have reached an agreement that they wish to document in this Agreed Order. Respondent Defendant Frederick George, stipulates to this Preliminary Injunction and Temporary Restraining Order ("Agreed Order") and agrees to set this case in for a status conference on Thursday, July 15, 2021 at 10:00. The parties agree to continue to participate in negotiations for a full and complete settlement of the issues in this case. For purposes of this Agreed Order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or persons in charge, care or control of the real property located at 135 North Burgess Avenue, Parcel No. 010-042228, situated in the City of Columbus, Franklin County, Ohio ("the Premises"). On information and belief, Relator asserts the following:

1. The Premises is a single family home located on the west side of the City of Columbus in the Hilltop neighborhood.

2. The Premises came to the attention of the Columbus Police Department ("CPD") in 2018.
3. On October 23, 2018, CPD INTAC Detectives Weiner and George, with the assistance of a confidential informant, conducted a covert purchase of crack cocaine at the Premises.
4. On November 26, 2018, CPD INTAC Detectives Weiner and George, with the assistance of a confidential informant, conducted a covert purchase of narcotics at the Premises.
5. On November 28, 2018, CPD INTAC Detective Weiner applied for and was granted a search warrant for the Premises. This warrant was not executed.
6. On December 3, 2018, CPD INTAC Detectives Lazar and Linscott, with the assistance of a confidential informant, conducted a covert purchase of heroin at the Premises.
7. On December 5, 2018, CPD INTAC Detective Lazar applied for and was granted a search warrant for the Premises.
8. On December 6, 2018, CPD INTAC executed a search warrant at the Premises. During execution of the warrant, investigators found eleven (11) individuals inside the 1,248 square foot residence. Investigators also recovered the following:
 - a. 1.55 grams of heroin;
 - b. 3.26 grams of heroin
 - c. A monitor and camera;
 - d. One (1) scale and weight;
 - e. 2.98 grams of crack cocaine;
 - f. 6.89 grams of marijuana;

- g. One (1) Iver Johnson TP22 revolver;
 - h. Four (4) rounds of .22 caliber ammunition;
 - i. One (1) Tanfoglio TA76 .22 caliber handgun;
 - j. Six (6) rounds of Tanfoglio .22 caliber ammunition.
9. On December 11, 2018, CPD INTAC Detectives Lazar sent a warning letter to Respondent-Defendant Frederick George. The letter informed Mr. George of the felony narcotics activity at the Premises and advised him of his duty to evict the tenants and ensure future violations of ORC 2925 will not occur on or at the property. This letter was sent via certified mail and received by Frederick George.
 10. On August 19, 2019, CPD officers were dispatched to the Premises on report of a fight. Officers came into contact with two individuals sitting in a vehicle directly in front of the Premises. During their encounter, officers observed a machete next to the driver of the vehicle and a pocket knife in the driver's lap. The individual was asked to exit the vehicle and when he stood up, officers observed a fine white powder where he had been seated. An individual seated in the passenger seat was found to be in possession of multiple bindles of methamphetamine. A glass pipe used for smoking methamphetamine was also recovered.
 11. On March 25, 2020, CPD responded to the Premises on report of a theft.
 12. On July 26, 2020, CPD responded to the Premises and located a wanted person under the influence at the location causing a disturbance.
 13. On September 2, 2020, a Shotspotter alert was received for the Premises. The report indicated one round was fired in front of the house.

14. On October 24, 2020, CPD received a complaint regarding a disturbance at the Premises.
15. On November 9, 2020, CPD received a narcotics complaint regarding the Premises.
16. On December 4, 2020, CPD received a narcotics complaint regarding the Premises.
17. On December 18, 2020, CPD received a complaint regarding a loud noise at the Premises.
18. On December 27, 2020, CPD received a complaint regarding a loud noise at the Premises.
19. On January 2, 2021, CPD received a complaint regarding loud noise at the Premises.
20. On February 1, 2021, CPD responded to the Premises on report of a deceased individual. The individual was found upstairs slumped over and not breathing.
21. On February 22, 2021, CPD responded to the Premises on report of a fight.
22. On March 1, 2021, CPD responded to the Premises on report of a domestic violence incident. Both parties gave conflicting statements regarding the conflict and officers were unable to determine a primary aggressor.
23. During the week of April 12, 2021, CPD INTAC executed a search warrant at the Premises. While executing the warrant, detectives seized the following:
 - a. Three (3) semi-automatic handguns;
 - b. 165.00 grams of methamphetamine and cocaine (combined weight);
 - c. 42.6 grams of suspected marijuana;
 - d. One thousand three hundred and ninety-two dollars (\$1,392.00) cash.
24. Relator-Plaintiff alleges that the Premises is a public nuisance as defined in

§ 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, subject to abatement under R.C. § 3767.

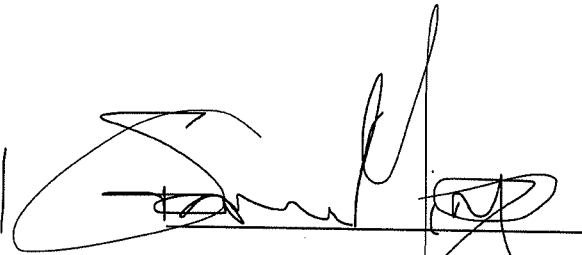
It is hereby **ORDERED** as follows:

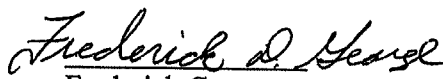
1. All occupants of the Premises be forcibly removed from the Premises on Tuesday, May 11, 2021. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying positions of the residence. Said occupants may be forcibly detaining during the execution of this order. Furthermore, the Premises shall be closed, padlocked, boarded, or secured as deemed necessary by the Chief of the Columbus Police Department or his designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the Premises for any purpose—no vehicles or persons are to be anywhere on the parcel.
2. This temporary restraining order shall apply to the parcel in its entirety. Following execution of Paragraph 1 of this Order, no person may enter and/or occupy 135 North Burgess Avenue, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.
3. It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The

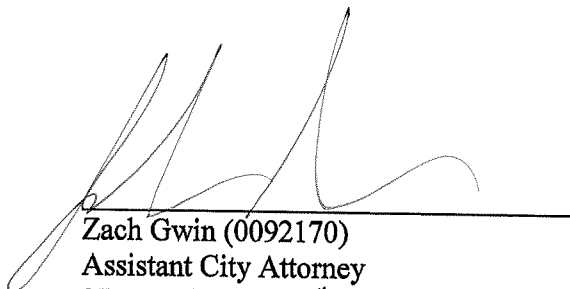
Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

4. This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. The Parties agree to motion this Court to seek reasonable modifications to this Agreed Entry, in order to facilitate the sale and/or development of the Premises in a manner in which Plaintiff is reasonably assured will not constitute a public nuisance.

5/10/21
DATE


JUDGE STEPHANIE MINGO


Frederick George
Defendant


Zach Gwin (0092170)
Assistant City Attorney
375 South High, 17th Floor
Columbus, Ohio 43215
Phone: (614) 645-8928
zsgwin@columbus.gov
Counsel for the Relator-Plaintiff